

Criminal Revision No. 22 of 1993.

**IN THE HIGH COURT FOR THE STATES OF PUNJAB & HARYANA
AT CHANDIGARH**

...

Buta Singh

...Petitioner

VERSUS

State of Punjab

...Respondent

1. Whether the Reporters of Local Newspapers may be allowed to see the judgment ?
2. To be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest ?

CORAM :

HON'BLE MR. JUSTICE MOHINDER PAL.

Present: Mr. Daleep Singh, Advocate,
for the petitioner.

Mr.P.S. Garewal, Assistant Advocate General, Punjab.

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MOHINDER PAL, J.

Petitioner Buta Singh was sent up for trial for the offence punishable under Section 326 of the Indian Penal Code (hereinafter referred to as 'the Code') and he was convicted for the said offence by the Additional Chief Judicial Magistrate, Bathinda, vide judgment dated September 11, 1991. He was

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sentenced to undergo rigorous imprisonment for two years and to pay fine of Rs.500/- and in default of payment of fine to further undergo rigorous imprisonment for six months.

Feeling aggrieved against this judgment of conviction and sentence order, he filed appeal which was dismissed by the then Additional Sessions Judge, Bathinda, vide judgment dated January 06, 1993,

He filed the instant Revision Petition challenging the afore-stated judgments and the sentence order.

Learned counsel for the petitioner does not challenge his conviction. He, however, submitted that the petitioner remained in custody for one month and fifteen days as per the custody certificate, which has been produced in Court today and taken on record. He prayed that lenient view be taken against him and the impugned sentence order be modified. He relied upon the case of **Nirmal Singh v. State of Punjab, 2005 (1) R.C.R (Criminal) 477.**

In the case of **Nirmal Singh** (supra), where the accused was convicted under Sections 324, 325 and 326 of the Code and the incident was seventeen years old, the sentence of rigorous imprisonment was reduced from two years to already undergone i.e one month. However, the petitioner was directed to pay compensation of Rs.10,000/- to the complainant.

In this case, the occurrence took place on March 26, 1990. The injuries attributed to the petitioner were on non-vital parts of the body i.e hand, and leg. The petitioner was convicted by the trial Court on September 11, 1991. His appeal

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was dismissed by the lower appellate Court on January 06, 1993. The present revision petition was admitted by this Court on January 15, 1993. Thus, the sword of conviction has been hanging over his head for the last more than fourteen years. This by itself is a sufficient punishment. No useful purpose will be served in sending him to prison at that stage. The sentence of imprisonment already undergone by him will meet the ends of justice.

Consequently, conviction of Buta Singh (petitioner) under Sections 326 of the Code is maintained. However, the sentence of rigorous imprisonment is reduced to the one already undergone by him. The sentence of fine is enhanced from Rs.500/- to Rs.25,000/-. He will deposit this amount in the trial Court within a period of three months from the date receipt of a certified copy of this order. Needless to say, if the petitioner fails to comply with the direction of depositing the amount of fine of Rs.25,000/- in the trial Court within the period stipulated above, this revision petition shall be deemed to have been dismissed. If the amount of fine of Rs.25,000/- is deposited, the trial Court is directed to disburse the same to complainant Atma Singh by way of compensation. The impugned sentence order stands modified to the extent indicated above.

This revision petition stands disposed of accordingly.

November 12 , 2007.
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**(MOHINDER PAL)
JUDGE**

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